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AO 245B (Rev. 11/16) Judgment in a Criminal Case Sheet 1	USDS SDNY
United States	DOCUMENT S DISTRICT CEDENT FONICALLY FILED
Southern Dist	trict of New York DOC #:
UNITED STATES OF AMERICA v.	JUDGMENT IN A CRIMINAL CASE
GIANLUCA PACIULLO  THE DEFENDANT:	Case Number: S1 15 CR 834 (KMW)  USM Number: 74001-054  Joseph Benfante, Esq. (AUSA Noah Falk)  Defendant's Attorney
✓ pleaded guilty to count(s) 1 (one) and 2 (two)	
pleaded nolo contendere to count(s) which was accepted by the court.	
was found guilty on count(s) after a plea of not guilty.	
The defendant is adjudicated guilty of these offenses:	
<u>Title &amp; Section</u> <u>Nature of Offense</u>	Offense Ended Count
18 USC 2252A(a)(2)(B) Receipt and Distribution of Child	Pornography 7/31/2015 1
&18 USC 2252A(b)(1)	untilennametten mitte en diffendennamet makkuittistessi suutesen liineiten makkuittistessi suutesen liineiten makkuittistessi suutesen liineiten makkuittistessi suutesen liineiten makkuittistessi suutesen makkuittista suutesen makkuittiin suuteen makkuittiin suutesen m
18 USC 2252A(a)(5)(B) Possession of Child Pornograph	y 7/31/2015
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.	8 of this judgment. The sentence is imposed pursuant to
☐ The defendant has been found not guilty on count(s)	
$\square$ Count(s) underlying indict.& all open cts $\square$ is $\square$ are	e dismissed on the motion of the United States.
It is ordered that the defendant must notify the United States or mailing address until all fines, restitution, costs, and special assessmented defendant must notify the court and United States attorney of materials.	s attorney for this district within 30 days of any change of name, residence, nents imposed by this judgment are fully paid. If ordered to pay restitution, aterial changes in economic circumstances.
	2/28/2017 Date of Imposition of Judgment
	Cicle M. WML Signature of Judge
	KIMBA M. WOOD, U.S.D.J.  Name and Title of Judge
	March 13, 2017

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AO 245B (Rev 11/16) Judgment in a Criminal Case

Sheet 1A

Judgment—Page 2 of 8

DEFENDANT: GIANLUCA PACIULLO CASE NUMBER: S1 15 CR 834 (KMW)

# ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
and 18 USC 2252A(b)(2)	Nature of Offense	and the second s	CONTROL OF THE CONTRO
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AO 245B (Rev 11/16) Judgment in Criminal Case Sheet 2 — Imprisonment

DEFENDANT: GIANLUCA PACIULLO CASE NUMBER: S1 15 CR 834 (KMW)

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## **IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

erm of	
5 yea	rs on each count, to run concurrently, with credit for time served.
Ø	The court makes the following recommendations to the Bureau of Prisons:
	Court recommends to the Bureau of Prisons that the defendant be incarcerated at FCI Danbury, and be allowed to ipate in the Drug Treatment and the Skills Program.
Ø	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.
	before 2 p.m. on
	as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
l have	executed this judgment as follows.
	Defendant delivered on to
	with a certified copy of this judgment.

	UNITED STATES MARSHAL
_	
By	
	DEPUTY UNITED STATES MARSHAL

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AO 245B (Rev. 11/16) Judgment in a Criminal Case Sheet 3 — Supervised Release

	Sheet 3 — Supervised Release	
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CA	SE NUMBER: S1 15 CR 834 (KMW)	
	SUPERVISED RELEASE	
Upo	on release from imprisonment, you will be on supervised release for a term of: 5 years	
	MANDATORY CONDITIONS	
1.	You must not commit another federal, state or local crime.	
2.	You must not unlawfully possess a controlled substance.	
3.	You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release imprisonment and at least two periodic drug tests thereafter, as determined by the court.	from
	☐ The above drug testing condition is suspended, based on the court's determination that you	
	pose a low risk of future substance abuse. (check if applicable)	
4.	You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)	
5.	You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et sequirected by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)	
6.	☐ You must participate in an approved program for domestic violence. (check if applicable)	

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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AO 245B (Rev 11/16) Judgment in a Criminal Case Sheet 3A - Supervised Release

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DEFENDANT: GIANLUCA PACIULLO CASE NUMBER: S1 15 CR 834 (KMW)

#### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the 3. court or the probation officer.
- You must answer truthfully the questions asked by your probation officer. 4.
- You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this

13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

judgment containing these conditions. For further information regarding the	ese conditions, see Overview of Probation and Supervised
Release Conditions, available at: www.uscourts.gov.	
	Data
Defendant's Signature	Date

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Sheet 3D — Supervised Release

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DEFENDANT: GIANLUCA PACIULLO CASE NUMBER: S1 15 CR 834 (KMW)

### SPECIAL CONDITIONS OF SUPERVISION

The standard and mandatory conditions of supervised release apply, along with the following special conditions:

The defendant shall undergo a sex-offense-specific evaluation and participate in a sex offender treatment/and or mental health treatment program approved by the probation officer. The defendant shall abide by all rules, requirements and conditions of the sex offender treatment program(s), including submission to polygraph testing. The defendant shall waive his right of confidentiality in any records for mental health assessment and treatment imposed as a consequence of this judgment to allow the probation officer to review the defendant's course of treatment and progress with the treatment provider. The defendant will be required to contribute to the costs of services rendered in an amount approved by the probation officer, based on ability to pay or availability of third-party payment.

The defendant shall not have deliberate contact with any child under 18 years of age, unless approved by the probation department. The defendant shall not loiter within 100 feet of schoolyards, playgrounds, arcades, or other places primarily used by children under the age of 18.

The defendant shall participate in the Computer/Internet Monitoring Program administered by the U.S. Probation Office. The defendant must provide the U.S. Probation Office advance notification of any computer(s), automated service(s), or connected device(s) that will be used during the term of supervision and that can access the Internet. The U.S. Probation Office is authorized to install any application as necessary to survey all activity on computer(s) or connected device(s) owned or operated by the defendant. The defendant may be required to pay the cost of monitoring services at the monthly rate provided by the U.S. Probation Office. The rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office. The U.S. Probation Office shall be notified via electronic transmission of impermissible/suspicious activity or communications occurring on such computer or connected device, consistent with the computer monitoring policy in effect by the probation office. As triggered by impermissible/suspicious activity, the defendant shall consent to and cooperate with unannounced examinations of any computer equipment owned or used by the defendant. This examination shall include but is not limited to retrieval and copying of all data from the computer(s), connected device(s), storage media, and any internal or external peripherals, and may involve removal of such equipment for the purpose of conducting a more thorough inspection.

The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search, on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.

The defendant is to report to the nearest Probation Office within 72 hours of release from custody.

The defendant shall be supervised by the district of his residence.

The defendant shall appear before this Court on a monthly basis, while on supervised release, with his Probation Officer and his attorney. Defendant's attorney shall notify Chambers upon the defendant's release, in order to schedule the first appearance.

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Judgment in a Criminal Case

Sheet 5 — Criminal Monetary Penalties

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**DEFENDANT: GIANLUCA PACIULLO** CASE NUMBER: S1 15 CR 834 (KMW)

## **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

то	ΓALS \$	Assessment 200.00	JVTA Assessment*	<u>Fine</u> \$	\$ Rest	<u>itution</u>
Ø	The determina after such dete		deferred until 5/30/2017 . Ar	n Amended Jud	dgment in a Crimir	nal Case (AO 245C) will be entered
	The defendant	must make restitutio	n (including community restitu	ntion) to the follo	owing payees in the	amount listed below.
	If the defendar the priority ord before the Uni	nt makes a partial pay der or percentage pay ted States is paid.	ment, each payee shall receive ment column below. However	an approximate r, pursuant to 18	ly proportioned pays 3 U.S.C. § 3664(i), a	ment, unless specified otherwise in ll nonfederal victims must be paid
Nan	ne of Payee		Total Loss**	Restitution	Ordered	Priority or Percentage
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ГО	ΓALS	\$		\$		
	Restitution an	nount ordered pursua	nt to plea agreement \$	· wowners		
	fifteenth day a	after the date of the ju	restitution and a fine of more adgment, pursuant to 18 U.S.C. §	. § 3612(f). All		
	The court dete	ermined that the defe	ndant does not have the ability	to pay interest a	and it is ordered that	:
	☐ the intere	est requirement is wai	ved for the  fine	restitution.		
	☐ the intere	est requirement for the	e 🗌 fine 🗆 restitution	on is modified as	s follows:	

<sup>\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 11/16) Case 1:15-cr-00834-KMW Document 38 Filed 03/13/17 Page 8 of 8 Sheet 6 — Schedule of Payments

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DEFENDANT: GIANLUCA PACIULLO CASE NUMBER: S1 15 CR 834 (KMW)

## SCHEDULE OF PAYMENTS

Hav	ing a	assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A	Ø	Lump sum payment of \$ 200.00 due immediately, balance due
		not later than , or in accordance with C, D, E, or F below; or
В		Payment to begin immediately (may be combined with $\square$ C, $\square$ D, or $\square$ F below); or
С		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special instructions regarding the payment of criminal monetary penalties:
		ne court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during of of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate I Responsibility Program, are made to the clerk of the court.  Industrial receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Joir	nt and Several
	Def and	fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, I corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:
Pay	ment rest, (	s shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.